

SENATE BILL 76

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SB 5/00 - JPR

2001 Regular Session
11r0215

By: **Senator Green**

Introduced and read first time: January 11, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Weapons - Disarming Law Enforcement or Correctional Personnel - Penalty**

3 FOR the purpose of prohibiting a person from knowingly removing or attempting to
4 remove a chemical spray or baton from the possession of certain law
5 enforcement or correctional personnel; and generally relating to certain
6 prohibitions against disarming certain law enforcement or correctional
7 personnel.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 36A-1
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2000 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 27 - Crimes and Punishments**

16 36A-1.

17 (a) A person may not knowingly remove or attempt to remove a firearm,
18 CHEMICAL SPRAY, OR BATON from the possession of another person if:

19 (1) The other person is lawfully acting within the course and scope of
20 employment; and

21 (2) The person has knowledge or reason to know that the other person is
22 employed as:

23 (i) A law enforcement officer who, in an official capacity, is
24 authorized by law to make arrests;

25 (ii) A sheriff, deputy sheriff, or assistant sheriff; or

1 (iii) An employee of the Division of Correction, the Patuxent
2 Institution, the Division of Pretrial Detention and Services, the Division of Parole and
3 Probation, any county jail or detention center, or any booking facility.

4 (b) A person who violates this section is guilty of a felony and on conviction is
5 subject to a fine of not more than \$10,000 or imprisonment for not more than 10 years
6 or both.

7 (c) A sentence imposed under this section may be imposed separate from and
8 consecutive to or concurrent with a sentence for any offense based on the act or acts
9 establishing the offense under this section.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 2001.